

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IQE KC, LLC,

Plaintiff,

v.

AKOUSTIS, INC. and AKOUSTIS
TECHNOLOGIES, INC.,

Defendants.

Miscellaneous Action No: _____

**IQE KC, LLC'S MOTION TO QUASH AKOUSTIS, INC. AND AKOUSTIS
TECHNOLOGIES, INC.'S
SUBPOENA FOR DOCUMENTS, INFORMATION OR OBJECTS**

Pursuant to Federal Rules of Civil Procedure 26 and 45, Miscellaneous Action Plaintiff IQE KC, LLC (“IQE”) by and through its undersigned counsel, respectfully moves to quash the subpoena issued by Miscellaneous Action Defendants Akoustis, Inc. and Akoustis Technologies, Inc. (collectively “Akoustis”). This Motion arises from a Subpoena served on IQE by Akoustis in Case No. 2:23-cv-180-JRG-RSP—a patent infringement action in the Eastern District of Texas. Akoustis, the plaintiff in that underlying action filed suit against IQE’s customer, Qorvo, Inc.

For the reasons stated in IQE’s Memorandum in support of this Motion, IQE respectfully requests that the Court grant IQE’s Motion and order that the Subpoena is quashed in its entirety as unduly burdensome and calling for disclosure of confidential and trade secret information. Alternatively, IQE requests that the Court modify the Subpoena to narrow its scope to eliminate the undue burden on IQE and to protect IQE’s most closely held trade secrets.

REQUEST FOR ORAL ARGUMENT

IQE respectfully requests that the Court allow oral argument on the instant Motion. IQE submits that oral argument would assist the Court in resolving the present dispute because it would permit the parties an opportunity to expound on or clarify, as necessary, the factual record underlying this Motion.

RULE 7.1(a)(2) CERTIFICATION

Pursuant to LR 7.1(a)(2) and LR 37.1, IQE certifies that its counsel met and conferred with counsel for Akoustis prior to filing this Motion. The parties previously met and conferred on November 3, 2023 and December 18, 2023. In addition to these prior telephonic meet and confers regarding this dispute, counsel for IQE and Akoustis met for a final time at 10:30 am Eastern Time on February 8, 2024. The parties met telephonically for approximately five minutes. Robert Niemeier and Graham Phero of Sterne Kessler Goldstein & Fox attended on

behalf of IQE. James Quigley of McKool Smith attended on behalf of Akoustis. At each meeting, the parties conferred in good faith to attempt to narrow or resolve the dispute raised in the Motion regarding the subpoena served upon IQE by Akoustis, but were unable to resolve or narrow the dispute. The issues remaining to be decided are those raised in the Motion, specifically, whether the Subpoena should be quashed or modified pursuant to Federal Rule of Civil Procedure 45(d) as unduly burdening non-party IQE and calling for the disclosure of IQE's trade secrets and confidential research, development, and commercial information. Akoustis has indicated that it opposes this Motion.

Dated: February 8, 2024

Respectfully submitted,

/s/ Jessica Ragosta Early
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CERTIFICATE OF SERVICE

I, Jessica Ragosta Early, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 8th day of February 2024.

/s/ Jessica Ragosta Early
Jessica Ragosta Early